

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CRUCIBLE MATERIALS CORPORATION,

Plaintiff,

v.

5:97-CV-759

CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON, and LONDON MARKET COMPANIES,

Defendants.

DAVID N. HURD
United States District Judge

ORDER

On June 4, 2009, the United States Court of Appeals for the Second Circuit issued a Mandate vacating the June 22, 2007, Memorandum-Decision and Order and remanding for proceedings consistent with the Summary Order dated May 14, 2009. See Crucible Materials Corp. v. Certain Underwriters at Lloyd's London, No. 07-3082-cv, 2009 WL 1344727 (2d Cir. May 14, 2009) (unpublished summary order), vacating & remanding No. 5:97-CV-759, 2007 WL 1827473 (N.D.N.Y. June 22, 2007). The Mandate was filed in the Northern District of New York on June 4, 2009.

Pursuant to the Second Circuit's direction, plaintiff's 1968 excess liability policy with defendants Certain Underwriters at Lloyd's, London, and London Market Companies ("London defendants") must be reinstated as to the Trent Tube Main Plant and the Pierce/York Oil test sites as well as the remaining fourteen sites listed in plaintiff's third amended complaint. See generally Crucible Materials Corp. v. Aetna Cas. & Sur. Co., 228 F.

Supp. 2d 182 (N.D.N.Y. 2001) (Munson, Sr. D.J.) (ruling on, inter alia, defendant's motion for summary judgment as to four test sites).

Accordingly, it is

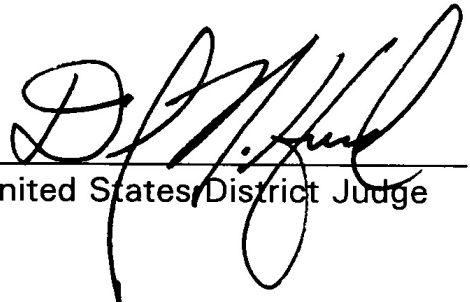
ORDERED that

1. Plaintiff's claims against the London defendants arising from the 1968 excess liability policy with regard to the Trent Tube Main Plant and the Pierce/York Oil test sites as well as the remaining fourteen sites listed in plaintiff's third amended complaint are REINSTATED; and

2. The parties are directed to file and serve, on or before July 1, 2009, a letter brief not to exceed five double-spaced pages arguing why that party should be permitted to move for summary judgment as to the aforementioned reinstated claims rather than proceed directly to trial.

The Clerk of the Court is directed to change the official caption as set forth above.

IT IS SO ORDERED.


United States District Judge

Dated: June 16, 2009
Utica, New York.